



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS COMMENT AND REPLY COMMENT DEADLINES FOR ASSOCIATION OF AMERICAN RAILROADS PETITION FOR CONSOLIDATION OF LICENSES HELD BY MEMBER RAILROADS INTO A NATIONWIDE GEOGRAPHIC LICENSE

Revised Comment Deadline: January 26, 2006

Revised Reply Comment Deadline: February 10, 2006

On November 25, 2005, the Wireless Telecommunications Bureau's Public Safety and Critical Infrastructure Division issued a public notice indicating that initial comments regarding the petition¹ filed by the Association of American Railroads (AAR) to consolidate all of the site-specific licenses currently held by AAR member railroads into a single geographic area license for frequencies 160.215-161.565 MHz and 452/457.900-452/457.96875 MHz would be due on or before December 27, 2005, and that reply comments would be due on or before January 11, 2006.²

On December 1, 2005, the Enterprise Wireless Alliance (EWA) requested a sixty-day extension of the comment and reply comment deadlines for AAR's petition (*i.e.*, until February 25, 2006 for comments and until March 12, 2006, for reply comments).³ EWA explains that it represents a broad alliance of business enterprise users, service providers, radio dealers and technology providers and that because the proposal advanced in AAR's petition would affect a significant amount of Industrial/Business Radio Pool spectrum throughout the country, it needs the additional time to thoroughly analyze complex issues concerning protection standards and the efficient use of assigned spectrum, particularly in light of the approaching holiday season.⁴ In its opposition to the extension request,⁵ AAR argues that thirty days

¹ See Petition for Consolidation of Licenses (filed Sept. 9, 2005). In conjunction with the petition, applications have been filed to assign the licenses from the member railroads to AAR. See, *e.g.*, FCC File No. 0002282007 (filed Sept. 9, 2005). AAR states, however, that it seeks Commission consent to the assignments only if the consolidation petition is granted.

² See Wireless Telecommunications Bureau Seeks Comments on Association of American Railroads Petition for Consolidation of Licenses Held by Member Railroads into a Nationwide Geographic Area License, *Public Notice*, DA 05-3035 (WTB PSCID rel. Nov. 25, 2005).

³ See Motion for Extension of Time, DA No. 05-3035 (filed Dec. 1, 2005).

⁴ *Id.* at 2.

⁵ See Opposition to Motion for Extension of Time, DA No. 05-3035 (dated Dec. 2, 2005).

should be deemed a sufficient comment period, as it was with respect to a similar prior AAR request.⁶ We conclude, however, that the present proposal is more extensive than the prior proposal, and raises additional issues. In addition, AAR argues that the occurrence of holidays during the comment period does not justify an extension, as holidays occur during almost any thirty-day period throughout the year.⁷

As AAR notes, it is the policy of the Commission that extensions of time are not routinely granted.⁸ Although, as EWA claims, the issues in this proceeding are complex, we do not believe them to be complex to the degree that they merit a sixty-day extension of time for interested parties to adequately address them. Accordingly, we grant EWA's request in part, and extend the comment and reply comment deadlines by thirty days, so that parties may file comments in this proceeding by January 26, 2006 and reply comments by February 10, 2006. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

For further information, contact Mr. Thomas Eng, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0019, TTY (202) 418-7233, or via email to Thomas.Eng@fcc.gov.

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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⁶ *Id.* at 2 (citing Wireless Telecommunications Bureau Seeks Comment on Association of American Railroads Petition for Modification of Licenses for Use in Advanced Train Control Systems and Positive Train Control Systems, *Public Notice*, 15 FCC Rcd 9133 (WTB PSPWD 2000)).

⁷ *Id.* at 4.

⁸ 47 C.F.R. § 1.46(a).